

GAHC010141452016



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THE GAUhati HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : MACApp./472/2018

NEW INDIA ASSURANCE COMPANY LTD.
HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT 87, M.G. ROAD,
FORT, MUMBAI AND ITS REGIONAL OFFICE AT G.S. ROAD,
BHANGAGARH, GUWAHATI.

VERSUS

SMTI AMBA DEKA and 4 ORS
W/O LATE PARESH CH. DEKA

2:MISS JAYSHREE DEKA
D/O LATE PARESH CH. DEKA

3:MISS SIMASHREE DEKA
D/O LATE PARESH CH. DEKA
ALL ARE THE R/O TARUN NAGAR
BYE LANE - 9
P.S. DISPUR
GUWAHATI
DIST. KAMRUP
ASSAM. RESPONDENT NO. 3 BEING A MINOR IS REPRESENTED BY HER
LEGAL GUARDIAN
MOTHER I.E. RESPONDENT NO. 1

4:BALIN BORGOHAIN
S/O LATE JAGAT BORGOHAIN
R/O BELTOLA
NIZARAPARA HOUSE NO. 2
P.S. BASISTHA
P.O. BELTOLA
DIST. KAMRUP ASSAM OWNER OF THE VEHICLE NO. AS-01H-7547

6:SMTI MAIKON DEKA
W/O LATE NABIN CH. DEKA
R/O BAIHATA CHARIALI
DIST. KAMRUP ASSA

Advocate for the Petitioner : MR. R GOSWAMI, MS. P BARUA, MS. M SAIKIA, MS. P BORTHAKUR

Advocate for the Respondent : MR. R GOSWAMI (R1 & 2), MR. B KALITA (R1 & 2), MR. S MITRA (R4)

**BEFORE
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR**

ORDER

Date : 14.03.2026

Ms. Hena Haflongbar, Assistant Manager of The New India Insurance Assurance Company Ltd. (Insurance Company) is present. The claimants i.e., the respondent No. 1, 2 and 3 are also present before this Court.

At the time of passing of the Award in the original claim, the respondent No.3 in this appeal/claimant No. 3 in the original claim was a minor. She has now attained majority. The respondent No. 2 and 3 i.e., the claimant No.2 and 3 in the original claim petition have expressed no objection today, if the amount arrived at in the settlement is released to their mother who was claimant No.1 in the original claim petition.

The parties have settled for a total amount of Rs. 77,06,537/- inclusive of interest. The interest amount which is included in the settled amount is of 27,16,537/-. The TDS shall be deductible from the interest amount.

The insurer is now to pay the balance of amount of Rs. 3,42,500/- (principle amount) and 27,16,537/- (interest) minus the TDS to the Registry of this Court within a period of 45 days from today and in such event the same shall not carry any further interest. In case of a delay of more than 45 days from today in depositing the settle amount, the same shall carry statutory interest. Upon satisfaction of the settlement amount by the insurer, the same shall be released to the claimant No.1 on proper identification.

The Statutory deposit, if any, is to be refunded the appellant company/insurer on satisfaction of the settled amount.

JUDGE

Comparing Assistant